

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUG 25 2008

MOLLY C. DWYER, CLERK OF COURT
U.S. COURT OF APPEALS

JOHN PETTITT; MURPHY LABRADOR
CORPORATION; BARBARA MUSSER
Trustee of the MAX GSD Trust of 1996,

Plaintiffs - Appellants,

v.

JOHN CHIANG, individually and in his
capacity as State Controller of the The
State of California; CALIFORNIA STATE
CONTROLLER,

Defendants - Appellees.

No. 08-16881

D.C. No. 4:07-cv-05854-CW

Northern District of California,
Oakland

**TIME SCHEDULE
ORDER**

The parties shall meet the following time schedule:

Tue., August 19, 2008

Appellant/petitioner shall immediately file the civil
appeals docketing statement (CADS), pursuant to
Circuit Rule 33-1;

Fri., August 29, 2008

Appellant/petitioner shall notify appellee/respondent
of transcripts to be ordered, pursuant to 9th Cir. R.
10-3.1(a);

Mon., September 8, 2008

Appellee/respondent shall notify appellant/petitioner
of any additional transcripts needed, pursuant to 9th
Cir. R. 10-3.1(b);

Thu., September 18, 2008

Appellant/petitioner shall file transcript order form
with the district court and make payment
arrangements with court reporter, pursuant to 9th Cir.
R. 10-3.1;

Thu., December 4, 2008 Appellant/petitioner's opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1;

Mon., January 5, 2009 The brief of appellee/respondent shall be filed and served, pursuant to FRAP 32 and 9th Cir. R. 32-1

The optional appellant/petitioner reply brief shall be filed and served within fourteen days of service of the appellee/respondent's brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. 9th Cir. R. 42-1

Appellants/Petitioners without representation of counsel in a prisoner appeal may have their case submitted on the briefs and record without oral argument, pursuant to FRAP 34(a). Within 10 days of the filing of the appellant's opening brief, parties may file a statement setting forth the reasons why, in the opinion of the parties, oral argument should be heard.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Ephraim Belete
Deputy Clerk